



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(QA PARKS & REC/CARTER
CREEK/DREDGING, JETTIES &
REVETMENTS)03-62669-

Comment Period: September 12, 2003 to October 14, 2003

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Queen Annes Co Parks & Recreation
Attn: Gus Gartner
PO Box 37
Centreville, Maryland 21617

LOCATION In Carter Creek, Queen Annes County, Maryland.

WORK: To hydraulically dredge a segmented main channel to a depth of -5.0 feet at mean low water, totaling 3,820 feet long and widths ranging from 20 to 30 feet. The channel is proposed to be 30 feet wide from the Chesapeake Bay through the inlet to Carter Creek, narrowing down to 25 feet wide through the lower part of Carter Creek and again narrowing to 20 feet wide further upstream. Additionally, 23 spur channels listed below are proposed. The dredging will result in approximately 18,000 cubic yards of dredged material which will be deposited at two upland sites at 6304 Kent Point Road and 6310 Kent Point Road, Queen Anne's County, Maryland, utilizing geotextile tubes. Furthermore, it is proposed that the existing stone jetties be extended an additional 50 feet channelward into the Chesapeake Bay, extending approximately 225 feet channelward of the mean high water shoreline; and the construction of two 60 foot stone revetments against the existing banks at the mean high water shoreline. The purpose of the proposed work is to improve navigable access and shore erosion control. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Rodney Schwarm at (301) 962-4500.

Spur Channels

<u>Tracking #</u>	<u>Name</u>	<u>Spur Channel Area</u> <u>Approx. sq. ft.</u>	<u>Volume</u> <u>cubic yds.</u>	<u>Proposed</u> <u>Max. Depth</u> <u>ft. MLW</u>
200362675	Bruce Chapman	9650	728	-5.0
200362676	Terrence Moran	4975	371	-4.0
200362677	Carl Hessler	6930	750	-5.0
200362678	Marilyn Schuler	6960	900	-3.5
200362679	William Baker	7030	700	-5.0
200362680	Emil Lacivita	2850	185	-4.0
200362681	Joe Hall	2850	185	-4.0
200362682	Joe Banda	4680	550	-5.0
200362683	Michael Harding	5850	450	-4.5
200362684	John Litherland	7675	870	-5.0
200362685	Wendi Weistein	8575	1100	-5.0
200362686	Henry Krueger	8235	700	-5.0
200362687	Steve Parker	4840	460	-5.0
200362688	John Kennedy	5100	660	-5.0

200362689	Matthew Strunk	2910	320	4.5
200362690	Jeffrey Odin	5040	220	4.5
200362691	Shane Strause	7700	811	5.0
200362692	Salvatore Papa	3570	265	4.5
200362693	Matthew Cahill	6600	860	5.0
200362694	John Capozzi	2388	350	5.0
200362695	Tom Lumsden	1800	316	4.0
200362696	Michael Bussard	5250	480	4.5
200362697	Andrew Hambright	2000	300	5.0

Permits for these projects would authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded or undertaken by the agency that may adversely effect EFH. The project site lies in or adjacent to EFH as described under MSFCMA for Scopthalmus aquosus (windowpane flounder) juvenile and adult; Pomatomus saltrix (blue fish) juvenile and adult; Paralichthys dentatus (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult life stages of Sciaenops ocellatus (red drum), Scomberomus cavalla (king mackerel), Scomberomus maculatus (spanish mackerel), and Rachycentron canadum (cobia), managed species under MSFCMA. The project has potential to adversely effect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigation measures are recommended to minimize adverse effects on EFH, at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:


WALTER WASHINGTON, JR.
Chief, Maryland Section Southern